

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP HEDRICH,

Defendant.

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No. 3:22-CR-116-TAV-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Phillip Hedrich's Motion to Continue Trial and Relates Dates [Doc. 11], filed on January 26, 2023.

In his motion, Defendant asks the Court to continue the February 28, 2023 trial date and related deadlines. Counsel for Defendant states that despite due diligence on his part, this case is not yet ready for trial. Counsel has reviewed discovery and met with Defendant regarding the discovery. The parties have also been in discussions regarding potential resolutions of this case, and counsel states that he needs additional time to confer with his client regarding the possible resolutions. Counsel avers that granting the continuance will allow the parties the opportunity to continue working towards a resolution of this case and therefore serve the ends of justice in that the need for additional time outweighs the best interests of the public and Defendant in a speedy trial. Counsel relates that he has spoken with both Defendant Hedrich, who is detained pending trial and understands the period of time between the filing of this motion and a rescheduled trial date would be fully excludable for speedy trial purposes, as well as counsel for the Government, who does not oppose the requested continuance.

Based upon the information provided by Defendant in his motion and the lack of opposition by the Government, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Counsel needs additional time to confer with his client and the Government as to a potential resolution of this case, a task made more difficult by the fact that Defendant is detained pending trial. The Court further notes that, in the event plea negotiations are not ultimately fruitful, counsel will also need additional time to prepare for trial. The Court finds all of this cannot be done by the February 28, 2023 trial date.

The Court therefore **GRANTS** Defendant Phillip Hedrich’s Motion to Continue Trial and Related Dates [**Doc. 11**]. The trial of this case is reset to **April 25, 2023**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on January 26, 2023, and the new trial date of April 25, 2023, is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

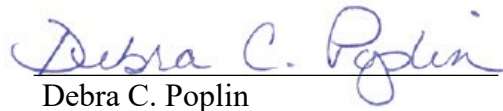
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Phillip Hedrich’s Motion to Continue Trial and Related Dates [**Doc. 11**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **April 25, 2023, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;

- (3) All time between the filing of the motion on **January 26, 2023**, and the new trial date of **April 25, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing a plea agreement in the record and providing reciprocal discovery is **March 24, 2023**;
- (5) The deadline for filing motions *in limine* is **April 10, 2023**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **April 11, 2023, at 2:00 p.m.**; and
- (7) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **April 14, 2023**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge